

EXHIBIT 3

Vu, Hong-An

From: Jeff Nardinelli <jeffnardinelli@quinnemanuel.com>
Sent: Tuesday, July 18, 2017 9:40 PM
To: Vu, Hong-An; Brun, Shane; 'John Cooper'
Cc: 'Gonzalez, Arturo J.'; 'Yang, Michelle C.Y.'; QE-Waymo;
'BSF_EXTERNAL_UberWaymoLit@bsfllp.com'; 'UberWaymoMoFoAttorneys'; Chatterjee,
Neel; Schuman, Brett; Walsh, Rachel M.; 'Matthew Cate'; 'nbartow@uber.com'; 'Aaron
Bergstrom (abergstrom@uber.com)'; DG-GP Otto Trucking Waymo
Subject: RE: Waymo v. Uber - Defendants Uber and Ottomotto's Second Set of RFPs

Hong-An,

As an initial matter, we see little relevance in Otto Trucking's request for SVN log data for users other than Mr. Levandowski. Otto Trucking previously explained that it sought to place Mr. Levandowski's download of 14,000 files in context by comparing it to the "typical" download patterns of other Project Chauffeur personnel, but the relevant context is Mr. Levandowski's clandestine meetings with Uber and sale of Otto to Uber for \$680 million, and the subsequent appearance at Uber of LiDAR designs reflected in the 14,000 files. Moreover, to the extent others' downloads had any relevance under Defendants' prior theory, that relevance is gone. Defendants no longer contend that Levandowski's download came through the ordinary course of business, and instead allege that he downloaded the 14,000 files to protect against his alleged fear that Google would withhold his bonus payments.

Notwithstanding the irrelevance of any SVN data other than that pertaining to Levandowski, Waymo responds as follows:

On September 19, 2016, Waymo pulled SVN log data, which dated back to September 19, 2015 due to the 52-week retention in place. This data revealed Levandowski's unusual download of December 11, 2015. *See* WAYMO-UBER-00000944. No other download behavior was relevant to any anticipated litigation and Waymo did not preserve other SVN log data at that time.

On March 27, 2017, in response to a PI phase document request, Waymo returned to its SVN logs. Out of an abundance of caution and to be sure to preserve data that (while irrelevant) had become subject to a document request, Waymo instituted a full retention policy on the SVN logs. As a result, Waymo retained the full 52 weeks of SVN logs available as of that date and continued to retain them. Due to a technical issue, data was not preserved from roughly March 27, 2017 to May 24, 2017, but the logs otherwise continue to be preserved. Waymo has produced that data as well. *See* WAYMO-UBER-00016961, WAYMO-UBER-00016962.

Thanks,
Jeff

From: Jeff Nardinelli
Sent: Monday, July 17, 2017 9:38 PM
To: 'Vu, Hong-An' <HVu@goodwinlaw.com>; Brun, Shane <SBrun@goodwinlaw.com>; John Cooper <JCooper@fbm.com>
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